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ABSTRACT

In 1993, California became the second state to permit the creation of charter schools--innovative public schools operated by groups of parents, teachers, and community members under a contract or charter with a local school board. This paper provides an initial examination of the state's first charter schools based on research on organizational innovation; information visits with charter petitioners; interviews with state legislators, the state department of education, and educational interest groups; and an analysis of the charters of the first 10 charter schools. The first section of the paper reviews research on organizational innovation to provide a base for examining the state's charter schools. Next, the paper discusses how charter schools could extend reforms begun under other statewide initiatives, why communities are creating charter schools, and which of the traditional roles played by school boards and the state department of education are challenged by charter schools. The final section of the paper discusses emerging issues related to charter schools, including the degree to which they can be innovative and operate as schools of choice with academically low-achieving students. The paper closes with an overview of the Southwest Regional Laboratory's future research on charter schools. (Contains 59 references.) (Author/JPT)

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An Early Look at Charter Schools in California

Southwest Regional Laboratory

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The Southwest Regional Laboratory (SWRL) is a public educational agency that exists to address challenges resulting from changing demographics and increasing numbers of at-risk children in the metropolitan Pacific Southwest. The Laboratory is governed by a board of directors selected in part by the state boards of education and the university systems in Arizona, California, and Nevada. The Laboratory addresses its mission by engaging in research, development, evaluation, training, technical assistance, and policy analysis. The bulk of the Laboratory's work is supported by competitively won federal and state contracts and grants.

Edwin C. Myers is SWRL's executive director.

The Laboratory publishes from time to time "occasional papers" that address issues relating to children who, for a variety of reasons, do not benefit from conventional schooling practices in the metropolitan Pacific Southwest. Inquiries are welcome; address them to E. Joseph Schneider, deputy executive director, who edits the series.

An Early Look at Charter Schools in California

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Southwest Regional Laboratory

April 1993

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ABSTRACT

In January 1993, California became the second state to permit the creation of charter schools—innovative public schools operated by groups of parents, teachers, and community members under a contract or charter with a local school board. This paper provides an initial look at California's first charter schools based on a review of the literature on organizational innovation; informal visits to charter petitioners; conversations with individuals in the legislature, the state department of education, and educational interest groups, and an analysis of the charters of California's first 10 charter schools. The first section of the paper describes how the literature on organizational innovation provides a foundation to build an examination of charter schools by identifying the obstacles and opportunities associated with the creation and operation of charter schools. Next, the paper describes how California's charter school legislation could enable schools to extend reforms begun under other statewide initiatives, why local communities are creating charter schools, and which of the traditional roles played by local school boards and the state department of education are challenged by the charter school legislation. The final section of the paper discusses emerging issues related to charter schools, including the degree to which they will be innovative and operate as schools of choice with academically low-achieving students as a target population as envisioned by California's charter school legislation. The paper closes with an overview of Southwest Regional Laboratory's future research related to charter schools.

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INTRODUCTION

Many education-reform advocates view charter schools—innovative public schools created and governed by groups of parents, teachers, and community members under a contract or charter with local school districts—as an effective way to promote academic improvement and provide parents with schooling alternatives within the nation's public school system. In September 1992, California passed the nation's most extensive charter schools legislation. Heralded by its author, Sen. Gary K. Hart (D-Santa Barbara), as "the most important education reform measure to be enacted in recent years" (Hart, 1992a, Sept. 21, p. 1), the bill authorizes the creation of 100 charter schools. So far, only Minnesota and California have authorized charter schools, but other states, including Michigan, Tennessee, Colorado, Massachusetts, Arizona, and Pennsylvania, are considering the idea.

Why the interest in charter schools? First, they promise innovation using existing funding. Charter schools do not receive additional state or federal dollars. Instead, a portion of the funds districts receive goes directly to their charter schools. Second, charter schools are schools of choice within public education. That is, parents can choose to send their child to a charter school without charge. Third, charter schools are accountable to parents and taxpayers. Each charter spells out measurable student learning outcomes and operating procedures for which the school is held accountable. Fourth, in exchange for strict accountability, charter schools are freed from many existing, often cumbersome, rules to which public schools must normally adhere. Consequently, charter schools respond to criticisms that public schools are so overregulated that they are unable to adapt to new circumstances or to public demand for improvement (Chubb & Moe, 1990).

Charter schools also are politically attractive. After the charter schools legislation passed, but before the first charters were approved, California Gov. Pete Wilson proposed that any district should be able to convert to a "charter school district" freed from most state regulatory control ("Wilson Calls For," Jan. 29, 1993). According to aides, the governor plans to offer legislation providing for charter school districts. President Clinton's education agenda also includes charter schools. Apparently, school vouchers are out and charter schools are in (Brownstein, Jan. 1, 1993). President Clinton is likely to promote the charter schools version of parental choice as former President Bush advocated private-school vouchers (Kolderie et al., 1992).

In light of the high interest in charter schools, the Southwest Regional Laboratory (SWRL) has initiated a study of charters as they evolve in California. The charter schools legislation went into effect Jan. 1, 1993, and schools are slowly coming on board. By February, 9 of the 100 charter schools authorized by the legislation were approved by local boards of education and assigned numbers by the State Board of Education. In March, a 10th school was chartered.

The central objectives of our research on charter schools are to: (a) identify conditions that foster or hinder the creation and survival of the different forms of public education implemented in charter schools; and (b) assess the effects of charter school innovations on public education.

As a result of our work, we will answer several key questions about charter schools, including: What is the nature of the innovations that charter schools implement? Will charter schools use their freedom and flexibility to break the mold and implement new forms of public education? What contributes to the success or failure of the educational programs that charter schools implement and the governance structures they adopt? And how do the creation and survival of charter schools affect the school districts in which they operate?

SWRL's research on charter schools will be guided by a battery of questions about: (a) the communities in which charter schools are located; (b) the social context in which charter schools operate, as reflected in other ongoing innovative programs, the power of local teacher bargaining units, and teachers' salary levels; (c) the petition process resulting in the schools' creation; (d) the roles of parents in school governance and the schools' instructional programs; (e) the student populations served; (f) admissions requirements and procedures; (g) the charter schools' educational objectives and activities, including programs offered and personnel involved; and (h) the criteria used by the school and the community to judge the effectiveness of the charter schools' programs.

This paper presents preliminary observations of charter schools based on our reading of the literature, informal visits to charter petitioners, conversations with a broad range of individuals involved with charter schools, and an analysis of the charters of the first group of California charter schools. We share what we have learned about the first charter schools in the state and our insights to date about charter schools. In addition, we introduce some of the issues we hope to study and describe the ways in which we will conduct our research on charter

schools. In other words, our paper should help educational researchers, policymakers, and practitioners develop their own questions and answers about charter schools.

In the first section, Tracking Charter Schools: Guidance From the Organizational Literature, we discuss how the literature on organizational innovation is useful in examining charter schools. Although it will not be the only literature we will examine in the course of our research on charter schools, we believe it provides a particularly useful grounding for looking at the creation and survival of charter schools.

In the second section, Charter Schools' Promise: The Next Step in Restructuring California Schools, we discuss the provisions of the charter schools legislation as "the next logical step on the school improvement continuum" (Hart, 1992c, p. 2) and describe how the legislation provides schools with unprecedented latitude to control the focus and scope of educational reform and innovation.

We focus on some of the issues we see arising as schools develop charter petitions in the final section, Creating Charter Schools: Early Issues. The issues we discuss relate to the reasons schools seek charter status, the trade offs associated with autonomy, parental involvement in charter schools, and finally, the promise and reality of parental choice in charter schools.

TRACKING CHARTER SCHOOLS: GUIDANCE FROM THE ORGANIZATIONAL LITERATURE

For some time, educational pundits have suggested that new organizations are needed to promote the kinds of changes previous attempts at reform, implemented largely through a combination of federal and state mandates and incentives, failed to promote (Elmore & McLaughlin, February 1988). Charter schools are a bold experiment at new organizational forms in education. Therefore, to track the evolution of charter schools in California, we looked at the organizational literature in sociology for guidance. Because it is grounded in another discipline, educational researchers often overlook this literature. However, we regard the organizational literature as a foundation on which to build our inquiry and access additional research findings such as those related to school change and school restructuring. Put simply, understanding the process of innovation hinges on the models of organization used to interpret results. Unfortunately, reform programs are seldom derived from or geared to an explicit, plausible model of organization. As a result, assumptions about the nature of organizations and the difficulty of achieving innovation through organized means tend to be

simplistic, or, at worse, misleading. We highlight below relevant theories and findings from the organizational literature.

Theories Of Organizational Change

What we know about organizational change can inform the processes involved in creating charter schools. Two major change paradigms and three strategies of change currently in use are especially relevant.

Major Change Paradigms

There are two rival paradigms of organizational change, "natural adaptation" and "organizational ecology." Natural adaptation assumes that organizations control their own fates, while organizational ecology is based on the deterministic premise that organizations are subject to the whims of fate driven by competition in the free market. The main tenet underlining the two principle models associated with natural adaptation—contingency theory and resource dependence—is that organizations adapt their structures to the conditions of their contexts (Namboodiri & Corwin, in press; Pfeffer, 1987). Numerous organizational and contextual variables are associated with this change process (Corwin, 1972; Corwin, 1987; Hage, 1980; Hage & Aiken, 1967).

In contrast, organizational ecology assumes that the emergence of new organizational forms, not adaptations made by existing organizations, is the main source of social change (Hannan & Freeman, 1989; Hannan & Freeman, 1984). Because charter schools are an experiment at creating innovative schools in public education that might be entirely different organizations than traditional schools, this paradigm may be especially useful.

According to organizational ecology, existing organizations are incapable of changing because of political resistance, stable relationships with suppliers and clientele, risks associated with change, costs invested in buildings, personnel, etc. Critics of public schools advance this line of reasoning. That is, public schools have been accused of displaying classic forms of overcentralization and bureaucratic rigidity that prevent them from reforming (Chubb & Moe, 1990).

Organizational ecologists also maintain that organizations that cannot compete successfully in the free market are replaced by more successful competitors (see Astley, 1985, for an exposition on the importance of populations). Competition also is part of the charter schools strategy. The charter schools legislation challenges the monopolistic character of the system.

Charter schools are new schools within public education to which parents can choose to send their children.

So far, organizational ecology proponents have not tested this paradigm against the natural adaptation approach nor have they applied it to the creation of new organizational forms in education such as charter schools. In the final analysis, charter schools may not fit the paradigm well. The competition engendered by charter schools, for example, takes place within the political context of a school district instead of the free market. As a result, the creation and survival of charter schools will involve contests for power among a large group of interested parties. Still, the charter schools that survive may serve as examples of alternative, and ultimately more productive and successful, ways in which public education might be organized.

Strategies of Change

Three strategies of change are implicitly or explicitly used in current school reform. The "niche," "frontal," and "leveraging strategies" of change all relate to charter schools.

From research on organizational ecology, we know that finding a safe niche is an effective survival strategy. The alternative school movement of the 1960s used the niche strategy. Its mission came to be defined as serving at-risk and nontraditional students who do not fit into comprehensive programs (Glines, February 1992). Minnesota's charter schools have tended to follow this same path either seeking out, or being forced into, "safe" niches via specialization from which they did not threaten public education. The charter schools serve children the public schools already have conceded they cannot serve, including high school dropouts and hearing-impaired children (Olsen, Nov. 25, 1992b). Among California's initial set of charter schools, only two appear to occupy special niches. The Bennett Valley Charter School, located in a K-6 district serving 990 students in Sonoma County, will "provide educational support to families who choose to educate their children by engaging them in 'context-based' independent learning at home and in the community" (Bennett Valley, 1993, p. 1). The El Dorado Charter Community School in El Dorado County will "serve students who have not found success in traditional schools" (El Dorado, 1993, p. 6). These include homeless students or those enrolled in the county's Home Study Program, as well as students who have either been expelled or suspended

from traditional schools or referred to the charter school by a local school attendance and review board or a probation officer.

Although niche formation can increase a charter school's survival chances, the strategy minimizes the need for most other schools to cope with charter schools as a direct challenge to their domain. Carried to extremes, such changes become symbolic, or ceremonial, public relations activities that have little impact on anything of consequence. For that reason, some critics call for more sweeping, frontal attacks on problems. Observers of charter schools in Minnesota conclude schools will affect public education only when they expand beyond limited specialized niches and are built around curricular, methodological, or technological innovations (Kolderie, November/December, 1992a). Their inability to do so to date has left the schools open to criticism that they have proposed nothing different or new (Astrup, Sept. 23, 1992; Anderson, Nov. 25, 1992).

The third strategy, leveraging, steers a middle road between the niche and frontal approaches. This is the implicit strategy that reformers rely on when they expect small-scale efforts to produce disproportionately broad-scale changes. Minnesota's charter legislation permits the creation of eight charter schools. California's legislation sets that upper limit at 100. In both cases, the hope is that these schools will create a ripple effect in a number of ways. For example, charter schools can serve as models other schools might wish to adopt. Or the prospect of a charter school might cause recalcitrant districts to institute reforms. By some accounts, some Minnesota districts have preempted would-be charter schools by rushing to offer the services proposed by the charter or by contracting with the petitioners to operate as an alternative school under district scrutiny (Olsen, Nov. 25, 1992b). Finally, charter schools may encourage change by publicizing the widespread demand for reform. In California, the charter schools legislation passed at a time when a statewide group that was dissatisfied with public education had succeeded in qualifying a ballot initiative for the 1994 election that would allow parents to use taxpayers' money to send their children to private schools. The unanswered empirical question is, how many charter schools are enough to leverage disproportionately larger changes? Can the thresholds be identified so they can be used systematically in other states?

Contextual Factors Shaping Charter Petitions

What kinds of contextual factors shape the destiny of a charter petition? At least two—the local context, especially the school district, in which the charter operates, and the broader statewide climate for educational reform and innovation.

Overall, the literature is ambivalent about how a district's history of innovation—and the forces that influence that history—will affect efforts to start new schools and the schools' survival rates. Some research suggests that new forms of organization are encouraged and have better chances of surviving in environments that are changing in other respects (Corwin, 1972; Daft, 1988). For example, reforms such as those recently approved by the Los Angeles Board of Education are particularly compatible with the charter schools notion. In a major new multiyear initiative, the Los Angeles Unified School District (LAUSD) will shift decisionmaking from the district's centralized bureaucracy to local campuses, provide principals with control over virtually every aspect of school management, and give teachers more authority to decide what and how they teach (Banks & Chavez, March 12, 1993). However, there are two opposing considerations. First, competing alternatives can sap energy, deflect interest, and drain resources. Second, there may be a greater incentive to start new organizations in districts unaccustomed to change, although chances of survival in these settings may be low for precisely that reason. SWRL's research will document how district contexts shape the creation of charter schools and contribute to their survival.

With respect to state-level contextual factors, during the past decade, California passed a series of ambitious pieces of legislation to reform education statewide (see California State Board of Education, Jan. 13, 1993, Attachment A). For example, the Hughes-Hart Educational Reform Act of 1983 instituted higher standards, reoriented curriculum from emphasis on skills to meaning-centered experiences, lengthened the school day and year, attracted a higher caliber of new teachers, established a mentor-teacher program, improved the quality of textbooks, and adopted stronger accountability systems. In 1985, the California Commission on Teacher Credentialing made recommendations to restructure career ladders, restructure schools to make them more productive places for both students and teachers, and recruit individuals into teaching. The California Business Roundtable issued a report in 1988 calling for restructuring, site-based management, and school accountability for student performance. Senate Bill 824, passed in 1989, encourages districts to establish advanced career opportunities for teachers,

in conjunction with greater involvement for teachers in decisions made in schools.

In 1990, Senate Bill 1274 established the Demonstration of Restructuring in Public Education program. SB 1274 prompted over 800 schools to compete for demonstration grants to restructure schools and districts, and the state provided funding to support the effort. In 1992-93, the state provided $13 million for six-month grants to approximately 140 schools to implement their restructuring programs. During the previous school year, over 200 schools received small grants to plan their programs. In contrast to the charter schools program, which does not provide additional funding, SB 1274 provides both opportunity and funds for groups wanting to try out new ideas.

It is conceivable that many of the SB 1274 schools would have taken the charter route had the restructuring option not been available. Or, perhaps schools losing in the restructuring program competition view charters as alternatives: a potentially competing alternative, in other words, could actually promote charter schools. In the first set of petitions approved by the State Board of Education, one petitioner received SB 1274 planning money but competed unsuccessfully for a restructuring demonstration grant (California Department of Education [CDE], March 1993). As a charter school, Schnell Elementary School in the Placerville Union School District has another opportunity to implement its restructuring ideas.

Formation as a Staged Process

One also can approach the creation of charter schools as a staged process during which we expect to find different issues and actors operating at different times (Hage, 1980). For example, the most effective leaders in creating charter schools may later lose interest or may not be well-suited to running the schools. Also, we wonder if conditions exist that hamper the startup phase but become helpful at a later stage in the charter school's operation when survival is not the most pressing problem.

Table 1 outlines our tentative view of the staged formation process for charter schools. The outline should be regarded as a set of hypotheses against which the actual process can be measured. Stages 1 through 5 culminate in the development and circulation of the charter petition. Stages 5 through 7 focus on the petition's submission and approval. Stages 8 though 10 involve the planning, implementation, and finally, the decision to abandon or to keep the charter school's innovations. We assume

that some stages will be more important than others, and some will be skipped over entirely. We also are prepared to discover stages currently not visualized.

Table 1
Formation of Charter Schools as a Staged Process

1. Evaluation	a. Impetus—definition and clarification of the problem
	b. Prelude—search, investigate, suggest
2. Mobilization	a Overture—formation of the core group
	b. Solicitation—membership drive
	c. Issue resolution
	d. Emergence of the key actors
3. Organization	a. Evolution of leadership roles
	b. Staffing
	c. Division of labor/roles
	d. Norms, rules, and coordination
4. Planning	a. Formulating strategy and tactics
	b. Scheduling
	c. Coping mechanisms
	d. Formalizing the rationale—taking positions on the issues
5. Petition	a. Choosing targets
	b. Publicity and informal communications
	c. Coping with opposition
6. Approval process	a. Filing the formal application
	b. Schedule, timing, delays
	c. Adaptation and informal communication, compromise, modification
7. Appeals process	a. Third-party interventions
	b. Formal negotiations
8. Initiation	a. New techniques and skills
	b. New occupational roles and relationships
9. Implementation	a. Power struggles
	b. Choosing and replacing key personnel
	c. Information control
10. Routinization	a. Compromise
	b. Elimination when compromise is not possible
	c. Return to normalcy

Creating Charter Schools

Will charter schools come into being in the form contemplated? If so, will they function as effective organizations? The creation process can be painful and problematic. Most research on organizations concerns those that have existed for some time, not new organizations or newly transformed ones. Still, we can gain some insights from literature on how organizational sponsorship

affects survival, how organizations control output, and how they survive by innovating or adapting.

Sponsorship

The parent organization, or sponsor, casts a long shadow over the offspring. Local school districts sponsor charter schools that, in turn, can be new schools or existing schools that convert to charter schools. In the typology below, new schools are akin to emergent organizations, while converted schools are examples of extended organizations. The typology distinguishes between (a) tasks—routine versus nonregular and (b) structures—old versus new (Dynes, 1970).

1. An "established" organization carries out its routine tasks without changing structure; this characterizes any school operating without change.

2. An "expanding" organization exists in embryonic form, but new structures and incentives are added (e.g. , a preschool added to the primary grades).

3. An "extended" organization changes its structure and adapts its resources to a new situation (e.g., an existing school converts to charter school status and hires specialists from business who, as uncertified teachers, teach math and science).

4. An "emergent" organization begins as an informal group, which creates a new structure and defines new tasks (e.g., a group of parents operates a new charter school in a YMCA or art museum).

Charter schools created from existing schools are likely to be different from those created by ad hoc groups without official ties to the school district. Six of California's 10 initial charter schools are converted schools. The remaining 4 are new schools, but all were created by insiders—educators in the local school districts sponsoring the charters. Some petitioners are from outside school districts, and we expect them to submit petitions to local school boards in the coming months.

Converted schools may have better survival chances than new schools because they have legitimacy within the system and, consequently, access to information and other resources. They also might be among the most innovative schools in a district with

charter petitioners seeking opportunities to be even more innovative. Alternatively, because of their historical ties with their districts, converted schools may be less innovative than newly founded schools. SWRL will examine the relationship between innovation and the kinds of relationships charter schools have with their sponsoring districts.

Control of Output

With its focus on improved student learning and school accountability, California's charter schools legislation addresses a fundamental question any organization must resolve—how to control output most effectively. The literature suggests that organizational output is controlled in four key ways: (a) compliance with rules monitored through close supervision; (b) periodic performance reviews based on measured standards (standards may be geared to output quotas [e.g., number of graduates] or to inputs [e.g., hours worked]); (c) professional judgment; and (d) consumer opinion. These methods may be combined, but frequently one dominates. Charter schools seem to focus on all but the first method.

Charter schools are intended to debureaucratize schools by shifting from a primarily rules-based form of management to outcomes-based management relying on measurable improvement in student performance. In addition, the increased autonomy charter schools have allows them to capitalize more effectively on the professional expertise of teachers, giving teachers more freedom to use their individual and collective judgments and to experiment with untested approaches. The legislation also mobilizes parents and other public consumers, who, according to the law, must be somehow involved in the governance structure. In addition, charter schools can be started and run by any individual or group, including parents. Finally, a blanket waiver from most state and local regulations provides flexibility that, combined with an outcomes focus, is intended to engender innovative approaches, thus providing more options to parents. Presumably, charter schools will increase competition within the public sector by giving parents more schooling options from which to choose.

Innovation and Adaptation

A body of research focuses on how existing organizations either innovate through planned change or adapt through natural

processes (Corwin, 1987; Hage, 1980). Some of these studies suggest that, as a condition of survival, an organization's original visions and designs become compromised in some fashion (Corwin, 1987). This certainly happened to the alternative schools of the 1960s. Inspired by parents and/or teachers deliberately seeking something different and recognized as exceptions, many of these schools eventually failed or reverted to conventional behavior (Swindler, 1979; Newman, 1980; Raywid, 1989).

So far, Minnesota's experience suggests that the impetus for creating charter schools and the potential obstacles charter petitioners face are not unlike those alternative schools face. Some of the most innovative proposals in Minnesota have not been approved by local school boards of education, to which the state's charter legislation gives sole authority to grant charters (Olsen, Nov. 25, 1992b). As one observer notes, "That's like saying you've got to get permission to secede from the group you want to secede from" (Stanfield, Sept. 12, 1992, p. 2,057).

California differs somewhat from Minnesota. Perhaps the most important difference is the number of eligible charters: 100 instead of 8. The more schools, the greater the probability that some of them will do something extraordinary. Another difference that is probably not as important as it may sound is the petitioners' right to appeal to the county board of education if the local board denies their petition. The county board may decide to grant and supervise the charter. However, most county boards are neither inclined to contradict the will of a local board nor equipped to supervise charter schools. It seems likely that the county offices will confine their role to mediating disputes or supporting the local school boards. In the only appeal to date, by the Paramount Adult School in the Paramount Unified School District, the Los Angeles County Office of Education upheld the local board's denial of the charter (Howland, March 23, 1993).

Evolution of Core Structures

What kinds of core structures (e.g., hierarchy, division of labor, rules, boundaries, domains) will evolve as charter schools begin operation? This question is important for two reasons. First, new organizations often attempt to use unconventional structures. Second, core structures play an instrumental role in an organization's survival. Both reasons suggest tensions in the creation process. It seems plausible that attempting to create an organization with an unconventional or novel form will reduce its chances of survival. For example, some research on cooperatives and free schools in the 1960s suggests that

survivors often reverted to traditional forms to cope with external pressures for accountability, to meet professional and career demands, to take advantage of delegation and division of labor, and to maintain social control. Many that attempted to maintain unconventional forms eventually failed (Swindler, 1979; Newman, 1980).

Organizational Hierarchy

Decentralized structures within charter schools will be more amenable to broad participation than centralized hierarchies. However, each form is better suited than the other to different stages of the creation process and to different types of innovations (Daft, 1988). For example, participation can stimulate new ideas and provide oversight in the evaluation of results, but it is a cumbersome and time-consuming way to make decisions. And participation can obstruct implementation, which demands clear division of labor and accountability (Corwin, 1987). A top-down approach may be necessary for a comprehensive attack on a problem or in areas that overlap or fall outside the boundaries of particular subordinate units. Moreover, centralized authorities can push innovations against organized resistance and, therefore, may be effective in the early stages of charter schools' operations.

Division of Labor

Two issues are especially relevant to "division of labor" in charter schools: specialization and accountability. Are teachers and staff specially trained or otherwise prepared to undertake the roles involved in developing and teaching in a new charter school? Is there a comprehensive system of clearly defined and articulated roles within the charter school?

Rules, Boundaries, and Domains

It is necessary to understand the rules governing the charter school because they can either facilitate change or become major impediments. Rules concerning the admission and expulsion of students are of special importance in charter schools. Although they cannot willfully discriminate against students, charter schools can establish special admissions requirements. Also, it is important to determine the sanctions and degree of compliance associated with the rules.

Boundaries affecting the charter school are defined by relations with other organizations, which are a crucial part of charter schools' creation. No organization can be understood apart from networks of organizations that form its environment (Namboodiri & Corwin, in press). Some evidence exists that connections with other organizations are a critical factor that can either stimulate or hamper any major innovation. Several studies show that survival is related to having connections with strong and legitimate sponsors and power brokers (Wiewel & Hunter, 1985; Aldrich & Zimmer, 1986).

Also, boundaries are instrumental to the identification of domains, another critical element in creating charter schools. Charter schools have an option of creating specialized niches or competing directly for students with other schools in the district, as discussed earlier.

Summary

The organizational literature provides useful guides to identifying the obstacles and opportunities associated with creating viable charter schools. It suggests that, as fledgling organizations, charter schools can be neutralized: politically, structurally, legislatively, and financially (Corwin, 1987). At the same time, some potentially helpful theories and strategies are worthy of further study. Limited experiences to date with charter schools also highlight the focal issues that need further study. First, what accounts for survival rates among charter schools? Second, in what respects are the surviving charter schools different from existing organizations? Third, are the survivors more effective than existing counterparts? Fourth, do charter schools, either directly or indirectly, cause school districts to change?

CHARTER SCHOOLS' PROMISE: THE NEXT STEP IN RESTRUCTURING CALIFORNIA SCHOOLS

Charter schools are the "next logical step on the school improvement continuum," according to Senator Hart (Hart, 1992c, p. 2). Hart is the architect of California's charter schools legislation, Senate Bill 1448 (Chapter 781, Statutes of 1992), and several other pieces of reform legislation. Of particular importance is California's elementary and secondary demonstration schools restructuring legislation, Senate Bill 1274 (Chapter 1462, Statutes of 1990), which paves the way for the flexibility and autonomy provided to charter schools. The California Business Roundtable aptly characterizes the relationship between the charter and restructuring legislation this way: "SB 1274 paved the way for strategic changes at the school site, now, the new charter school law further frees schools from

bureaucratic constraints to concentrate exclusively on innovation, improved student learning, and accountability" (Ginn, Fall 1992, p. 1).

In the next few pages, we examine how California's charter legislation provides an opportunity to take school restructuring a step further, and we provide examples of how local communities are creating charter schools to take advantage of this opportunity.

Assumptions and Major Provisions of California's Charter Schools Legislation

California's charter schools legislation is grounded in five key assumptions about school restructuring and innovation:

1. Greater flexibility, when coupled with a focus on student outcomes, yields better student learning.

2. Educators and parents at the local site know more about how to improve schooling than do remote bureaucratic and political authorities.

3. Effective organization of governance and management are key to delivering improved educational services.

4. A school's performance should be measured by outcomes, especially student learning, rather than by its compliance with rules.

5. School-by-school reform will eventually affect how districts, and other schools within districts, view themselves and educate students.

The charter schools legislation provides schools and local school districts with unprecedented latitude in controlling the focus and scope of educational reform and innovation by: (a) placing responsibility for school reform at the local level; (b) linking accountability for student outcomes with parental choice; and (c) freeing schools from burdensome regulations. Table 2 compares the charter schools legislation with the provisions of SB 1274.

Placing Responsibility for Reform at the Local Level

A key feature of California's charter schools legislation is that it shifts the locus of control for reform from the state to local communities and their boards of education. In this way, it provides for a locally determined and administered process to restructure schools and to try innovative educational approaches

Table 2
California's Restructuring and Charter Schools Legislation

Senate Bill 1274 (School Restructuring Demonstration Program)	Senate Bill 1448 (Charter Schools)
• State-administered five-year grants to local schools.	• Locally administered five-year (maximum) renewable charters.
• School selection by state department of education through a written proposal review and interview process.	• School selection by local school boards through public hearings, review of written petitions, and negotiations.
• Supports restructuring in California public education to improve student learning.	• Creates charter schools to improve student learning *and* to expand parent and student choice within public education.
• Tests the feasibility of changing school governance and management within existing district structure.	• Establishes and maintains schools that operate "independently" from the existing school district structure.
• Increases accountability for student outcomes in exchange for increased local decisionmaking authority.	• Increases accountability for student outcomes in exchange for exemption from most laws governing school districts.
• Provides for rule-by-rule waivers of state rules and regulations.	• Provides for a blanket waiver of most state rules and regulations.
• Provides additional state funds to support restructuring.	• Provides no additional appropriations; schools receive funds directly that state previously sent to districts.

where local communities, local school boards, county offices of education, and state education agencies are playing new roles.

Local Communities

Anyone in a local community may develop a charter petition (except a private school seeking to convert to a charter school). For example, existing schools, groups of teachers, community

members, parents, and nonprofit educational organizations are eligible. So far, however, petitioners have tended to be local educators seeking to create new schools, as is the case with the Community Charter School in the San Carlos School District and the charter school in Sonoma Valley Unified School District. In the Charter Community School in El Dorado County, Schnell Elementary School in Placerville Union School District, and Yucca Mesa Elementary in the Morongo Unified School District, petitioners are converting existing schools to charter schools. Table 3 lists schools chartered through March 1993.

Each charter petition must address 13 educational and procedural elements, but the manner in which each is addressed is left to the petitioners. Each charter petition must describe:

- the school's educational program (i.e., who the school is educating, what it means to be an educated person in the 21st century, how learning best occurs);
- measurable pupil outcomes (i.e., skills, knowledge, attitudes specified as goals);
- the method(s) by which pupil progress in meeting pupil outcomes will be measured;
- the school's governance structure, including, but not limited to, how the school will ensure parental involvement;
- employment qualifications to be met by school employees;
- the procedures the school will follow to ensure the health and safety of pupils and staff;
- the means by which the school will achieve racial and ethnic balance among pupils (representative of the surrounding general population);
- admissions requirements, if applicable;
- the manner in which annual financial and programmatic audits will be conducted;
- the procedures by which pupils can be suspended or expelled;
- the manner in which staff will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or social security;

Table 3
California's Initial Charter Schools

Charter number	School	District	County	New school	Converted school	Date school will start operating*
1	San Carlos Community School	San Carlos Elementary	San Mateo	x		July 1, 1994
2	No name at this time	Contati-Rohnert Park Unified	Sonoma	x		April 1994
3	Glen Edwards Elementary School	Western Placer Unified	Placer		x	Fall 1993
4	Lincoln High School	Western Placer Unified	Placer		x	Fall 1993
5	El Dorado Charter Community School	El Dorado County Board of Education**	El Dorado		x	September 1993
6	Schnell Elementary School	Placerville Union Elementary	El Dorado		x	Fall 1993
7	Bennett Valley Charter School	Bennett Valley Union Elementary	Sonoma	x		Jan. 1, 1993
8	Yucca Mesa Charter School	Morongo Unified	San Bernardino		x	July 1, 1994
9	No name at this time	Somona Valley Unified	Sonoma	x		1994
10	Carlin C. Coppin Elementary School	Western Placer Unified	Placer		x	Fall 1994

* These are the dates as specified in the schools' charters.
** To date, this is the only charter school sponsored by a county board of education. It will serve students in 15 school districts.

- the public school alternatives for pupils not choosing to attend a charter school; and

- a description of the rights of any district employee to work in a charter school and, subsequently, to return to the district.

Two of the 13 elements focus on student outcomes (i.e., the school's goals for students and the methods by which it will measure students' progress in meeting those goals). Improving student learning and increased accountability for doing so are key to the charter schools concept (Kolderie et al., 1992).

In exchange for greater accountability, charter schools are exempt from nearly all of the extensive rules to which public schools must normally adhere. These include rules about curriculum, instructional methods, the design of special programs, textbooks, time spent on various instructional activities, and monitoring and reporting.

Charter schools are still required to comply with rules relating to health, safety, curriculum, and nondiscriminatory admissions procedures. In addition, they may not have a religious character or charge tuition. And if they receive federal funds, they must meet the monitoring and reporting requirements associated with expending those funds.

After they develop their charter petitions, the petitioners must secure the signatures of at least 10% of the credentialed teachers in the district to which they submit the charter or 50% of the teachers at one of the district's schools. These teachers may or may not teach at the charter school once the petition is approved. Their signatures merely indicate that they believe the educational approaches outlined in the petition are sound and worth implementing.

In addition, the legislation does not require charter schools to employ teachers who are certificated or represented by a local bargaining agent, a provision that proved a major stumbling block for California teacher unions and was key to their opposition to the legislation (Odgers, Nov. 12, 1992). Instead, teachers hired by a charter school are bound by the terms and conditions of employment specified in the charter. These may include state licensure and union representation. For example, among the initial group of charter schools, all three charter schools in the Western Placer Unified School District plan to employ certificated teachers and instructors and keep in place the local collective-bargaining agreement (Western Placer, 1993). In contrast, the Charter Community School in El Dorado states in

its charter that the local bargaining unit will not represent employees, who will consist of certificated and noncertificated staff (El Dorado, 1993).

Although no more than 10 schools in a single district can become charter schools, the legislation contains a provision for "charter school districts." A district may become a charter district and convert all its schools to charter schools if 50% of the teachers in the district sign a charter petition. No district has yet opted for charter status, although Western Placer Unified, a small district with seven schools, has converted two elementary schools and one high school to charter schools.

Local School Boards

After securing the required teacher signatures, the petitioners submit the petition to their local school board for review. Local school boards have a great deal of discretion and authority under the charter schools legislation, which they exercise in three key ways. First, the local school board must approve the charter petition. A school board may impose unlimited requirements in addition to the 13 elements the legislation specifies charters must include. The local board also sets the duration of the charter, within the five-year maximum limit as specified in the legislation.

Second, the local school board is responsible for monitoring a charter school's progress to ensure the promised results are produced. Although charter schools may govern themselves in accordance with the charter provisions approved by a local board, they are still part of the district and the school board is still responsible and liable. Therefore, all the petitions that have been assigned charter numbers by the state include provisions for financial, as well as programmatic, review, by local boards.

Third, the local board must approve any changes in the petition, and it may revoke a charter at any time if a school does any of the following: commits a material violation of any of the conditions, standards, or procedures set forth in the petition; fails to meet or pursue any of the student outcomes identified in the petition; fails to meet generally accepted standards of fiscal management; or violates any provision of law. The local board's revocation decision is final.

County Boards of Education

If the local school board denies the petition, petitioners can appeal to the county board of education. The county board convenes a review panel to determine if the local board failed to consider the charter request appropriately or acted arbitrarily in denying the petition. The review does not extend to the substance of the petition; the substantive review is left to the local board.

To our knowledge, only one petitioner has appealed to a county board to date. In this case, the county ruled that the local board had acted appropriately and supported the decision to deny the charter petition. If the county board had ruled in favor of the petitioner, had asked the local board to reconsider the petition, and the local board still denied the petition, the county board could have approved the petition and sponsored the charter school.

So far, one charter school is sponsored by a county office of education. However, county office sponsorship is not the result of an appeal but, instead, reflects the unique nature of the school. The Charter Community School in El Dorado County serves children from 15 school districts who have not been successful in the local traditional schools for various academic or behavioral reasons (El Dorado, 1993).

State Agencies

In contrast to other education legislation in California, quality control and evaluative oversight by the CDE are noticeably absent from the charter schools legislation. The State Board of Education, and through it, CDE, is responsible for verifying that the charter petitions it receives contain the appropriate signatures, have been approved by the local school boards, and address all 13 legislative provisions. The State Board then assigns a number to completed charter petitions in the order they are submitted. The law specifies that no more than 100 charter schools may operate at one time, but additional schools may petition the state for a waiver of that restriction. As important, there is no time period within which schools must seek charter status, but the legislation requires the CDE to review the charter schools approach and to report to the legislature by Jan. 1, 1999. Presumably, schools wishing to be chartered for five years, the upper limit permitted by the legislation, will need to be chartered by 1994.

The role the charter legislation outlines for the State Board and CDE contrasts dramatically with the state's central role in other education programs. For example, under the demonstration restructuring program authorized by Senate Bill 1274, CDE is responsible for soliciting and reviewing proposals and for awarding demonstration grants. The state's purview also extends to contracting with an independent contractor to evaluate the restructuring projects through the Legislative Analyst's Office.

Largely due to the limitations the legislation imposes on CDE, the full scope of the state's authority was under debate and discussion as locally approved charter petitions were filed with the State Board of Education in January ("Charter Schools," Oct. 9, 1992). CDE took seriously its responsibility to ensure that proposals are "complete." For example, it briefly delayed action on the first nine applications while waiting for districts to supply additional information about *how* they plan to measure outcomes, ensure racial and ethnic balance, handle expulsions, and meet other legal provisions. The CDE's involvement caused some legislative staff members to wonder whether the state's responsibility for ensuring completeness was meant to extend to an assessment of the probable effectiveness of the means described in the charter petitions. However, given the timely manner in which the initial group of charter schools received their assigned charter numbers, CDE's insistence on ensuring completeness is not delaying the processing of petitions. Eventually the extent of the state agencies' authority will be worked out over time as agency and legislation staffs confer. So far, local school boards seem to be the point of substantive review and quality control, as the legislation intends.

Linking Accountability With Parental Choice

Charter schools are designed to "provide parents and pupils with expanded choices in the types of educational opportunities available to them within the public school system" (SB 1448, 47601[e]). They are schools of choice, and as such, they are accountable to parents who choose to enroll their child in charter schools. Therefore, the schools, and the local school boards that monitor their charters, must implement accountability procedures sufficiently rigorous to satisfy parent clients. In some cases, charter schools will work out these particulars with their local school boards during a planning or development year. In other cases, charter petitions, such as the one for the Bennett Valley Charter School, contain addenda that specify the criteria

the school plans to use to monitor student learning (Bennett Valley, 1993).

Freeing Schools From Burdensome Regulations

The charter schools legislation frees schools from regulations by authorizing a "blanket" waiver from nearly all state regulations. Furthermore, because charters are negotiated with the local school board, schools also can be freed from locally imposed regulations under the terms of their charters. In theory, a blanket waiver takes off the manacles that have bound schools' hands and allows them to be creative and "to change the way time, people, facilities and resources are used for learning" (Kolderie, Aug. 22, 1992b, p. 4). In practice, it is a logical extension of the "rule-by-rule" waivers of specific sections of California's extensive Education Code permitted under California's school restructuring legislation, SB 1274.

To learn more about the kinds of regulations from which charter schools might seek relief, we visited two LAUSDschools as they were developing their charter petitions. Both schools have been publicly recognized for being among the most innovative. One was founded as an alternative school in the 1970s and the other received funding as a restructuring demonstration school. We asked the building principals and a sample of teachers and parents why they were seeking charter school status. From the anecdotal information they shared, we conclude that frustration with regulations was an important reason for their interest in charter schools. The principals, teachers, and parents perceived regulations as a leading source of frustration and, ultimately, barriers to reform and innovation. At both sites, staff members were perplexed by a welter of rules and were trying to sort out the sources of their frustration (e.g., a state regulation, local district policy, local administrative rule).

We learned that the origins of the regulations from which schools are seeking relief go beyond those imposed by the state. In fact, many were locally imposed restrictions. In Table 4, we present changes the schools told us they tried to implement and the obstructing state and local rules they encountered. In some schools, the rules were waived; in other cases, waivers were denied so schools could not implement the curricular, governance, or managerial reforms they planned.

We were amazed at the layers of rules to which schools must adhere. In addition to California's monstrous Education Code and related regulations that bear on education, school boards pass their own rules, administrative staffs issue guidelines, unions negotiate contract provisions, and auditors impose forms. For

Table 4

Objectives and Obstructing Rules That Motivated Two California Schools To Seek Charter Status

School objective:	To use a nontraditional form of student assessment based on conferences with parents and portfolios containing examples of students' work.
Obstructing rule:	District requires schools to assign letter grades.
School objective:	To operate as an ungraded school, organized around thematic clusters rather than traditional grade levels, and to group students by their respective abilities in different skill areas.
Obstructing rule:	District requires schools to organize fourth-sixth grades into subject-matter departments. State requires schools to track student registration based on traditional grade levels.
School objective:	To obtain more flexibility with respect to class size (e.g., creating small classes as well as some larger classes, depending on considerations such as grade level and subject matter).
Obstructing rule:	State regulations specify maximum class size limits.
School objective:	To use textbook funds to purchase a range of teacher-selected reading materials and nonprint instructional materials.
Obstructing rule:	District requires schools to purchase basal readers and textbooks and cannot use funds to purchase materials other than textbooks.
School objective:	To maintain site-based management controlled by parents, which has been in effect for many years and which parents like as is.
Obstructing rule:	For teachers to be eligible for eight days of site-based management training authorized by the district, each school must establish a five-member leadership council and submit a proposal subject to approval by the district and bargaining unit.
School objective:	To recruit and retain good principals and teachers. Parents at one of the schools succeeded in replacing the former principal with one they like and now want assurances she won't be transferred.
Obstructing rule:	The district can assign and reassign principals and teachers without the consent of teachers and parents. Teachers can be "bumped" from schools or laid off.
School objective:	To take advantage of the volunteer services of qualified experts to install donated facilities and computer equipment.
Obstructing rule:	Donated facilities must be installed by the district's vendors, even when local citizens who are qualified to do the work volunteer to do it.

table continues

School objective:	To shop for the lowest prices in goods and services purchased. One school has identified food-service and janitorial vendors who they believe could do a better job or the same job at lower cost.
Obstructing rule:	The district hires vendors to provide standard cafeteria and janitorial services for fees that cannot be negotiated by individual schools.
School objective:	To use part-time, noncertificated teachers in the classroom, such as chief executive officers and other people from companies, who might teach occasional programs or workshops.
Obstructing rule:	Noncertificated teachers can teach, but state regulations require that a certificated teacher must be in the classroom at the time.
School objective:	To pool state categorical moneys from several programs to enable using the funds in more flexible ways, such as hiring more teachers.
Obstructing rule:	Funds for state categorical programs must be used only for the purposes identified in the categorical program.

example, procedures for calculating average daily attendance are dictated by a confluence of state law, state and district forms that do not necessarily reflect the flexibility that exists in the law, and complex reporting requirements mandated by state and local auditors. State waivers cannot provide schools with relief from requirements imposed by local school boards, local administrative regulations, and locally negotiated union contracts.

The two prospective LAUSD charter schools also reported that obtaining waivers can be cumbersome and time consuming, even though the state has streamlined the process. Principals told us that waiver requests to the state frequently take three to four months to process. Requests for exemption from local rules and regulations may take longer. The rule-by-rule waiver approach also assumes that school staffs know the specific waivers they will need at the outset of their efforts. Thus, rule-by-rule waivers may not provide the flexibility and "psychological release" to school staffs.

However, a blanket waiver is no panacea. It opens everything to invention and renegotiation under strict deadlines. The law requires local school boards to endorse or reject charter petitions within a maximum of 90 days from the date they receive them. (The law states the local board must grant or deny the charter within 60 days, but the deadline can be extended for

an additional 30 days if the board and the petitioner agree to the extension.) This may not be enough lead time to research technical questions (e.g., how to deal with property rental, how a district will treat plans to remodel property it owns, whether a year-round, multitrack school is entitled to state funds for air conditioning). This may be why 6 of the 10 schools granted charter status have instituted a planning year in 1993, with operations slated to start in 1994.

Reallocating Existing Resources To Support Reform

Charter schools reflect fundamentally different assumptions about monetary incentives to reform school practice. In fact, the idea of charter schools rests on the notion that schools will not improve by "hooking them up to an external life-support system of money and mandates. What is needed is a change of structure and incentives that will push public schools to improve on the basis of their own initiative, in their own interest and from their own resources" (Kolderie et al., 1992, p. 132).

California has not provided special state funding to support petitioners as they draft their petitions or begin to implement their charters as it did with schools that participated in the state's school restructuring initiative. Petitioners must use existing resources to develop and circulate their charter petition. Once they are chartered, the schools do not receive any additional funding from the state, but instead access directly funds that previously flowed to them through the districts. More specifically, each charter school receives dollars based on students' average daily attendance. In addition, charter schools receive an apportionment of state and federal categorical funds for which their students are eligible. To provide for cost accounting, funds are transferred to the schools under provisions in their charters concerning annual audits and fiscal accountability.

Our initial review of California's first group of charter schools shows careful consideration of fiscal matters. The charters include a variety of clauses to ensure districts that transferred funds will be spent appropriately. Clauses include annual financial audits; district approval of school budgets; prior approval by districts of school expenditures and individuals or groups with whom the charter school might wish to contract; and reversion of unspent funds to the district for use as discretionary monies. The charters also provide for schools to take advantage of services offered through the district that might be prohibitively expensive to purchase on their own (e.g., liability insurance) and that require expertise not available on many school staffs (e.g.,

legal, accounting). All the charter schools plan to contract with their school districts for legal, personnel, data processing, and/or business services, as well as liability insurance. Some plan to rent facilities from their sponsoring districts.

Summary

California's charter schools legislation is grounded in key assumptions, including the relationship between increased flexibility and improved student learning; the wisdom of vesting with local communities the opportunity to govern their own schools and to find better ways to educate students; and the quid pro quo of autonomy, and accountability, especially to parents who choose to send their child to a charter school. As schools are chartered, communities, local and county boards of education, and state education agencies are taking on new roles.

With respect to outcomes, will charter schools affect changes that enhance student learning? Will they serve as models that other schools will adopt to change the organization and delivery of educational services? It is far too early to speculate. Over half of the initial group of charter schools are still working out details related to their programs and finances to begin operation in 1994.

CREATING CHARTER SCHOOLS: EARLY ISSUES

Charter schools represent an ambitious experiment. Any piece of legislation forged so boldly means that a number of issues has yet to be resolved. We identify some of them below and offer experiences from the initial group of California charter schools, as well as our conversations with individuals who are developing and submitting charter petitions to local school boards.

The Promise of Innovation

The charter schools legislation is intended to promote innovative educational programs and to "encourage the use of different and innovative teaching approaches" (Senate Committee on Education, June 11, 1992, p. 1). Accordingly, an individual or group may wish to start a school to implement a specific program or approach. For example, the New School in the Cotati-Rohnart Park Unified School District will focus on apprenticeships for 6th-12th graders to help secondary students transition into the workforce (New School, 1993). Using 1993-94 as a development year, Sonoma Valley's charter school plans to develop a school modeled after a private school that uses a developmental approach to address the individual interests, developmental levels, and learning styles of K-8 students (Sonoma Valley, Dec. 27, 1992).

Others may be motivated by the unprecedented opportunity to be creative. This was certainly important to the Yucca Mesa Charter School, for example, where a major goal is to have greater flexibility in shaping its academic program. Yucca Mesa notes it will have freedom as a charter school to make curriculum, instruction, and classroom management decisions and thereby develop a program that best meets the needs of its students (Yucca Mesa, 1993). Freedom to experiment also is important to the three charter schools in the Western Placer Unified School District. Their charters give the schools permission to create new ideas and make changes (California Institute for School Improvement [CISI], 1992). In fact, the petitioners have included two provisions in the schools' charters they anticipate will permit the schools to develop new structures and modes of operation over the life of the charter. The first is that the charters can be amended by mutual agreement between the local school board and two thirds of the school staff. The second is that the local board will evaluate the schools' operations annually (Western Placer, 1993; CISI, 1992).

California's initial group of charter schools plans to implement the following changes: (a) placing primary children in instruction according to ability, not age, and providing them with latitude in the time they take to master the content traditionally covered through third grade; (b) offering students job apprenticeships in business, manufacturing, and community organizations as early as sixth grade so that by the time they are sophomores they are on the job half a day, and when they are seniors they work full time and attend evening classes; (c) using differentiated staffing in which noncertificated instructors with special subject matter or content expertise teach classes; (d) extending school hours with evening and Saturday classes to accommodate students who work; (e) using parents as their children's primary teacher in home-based independent learning projects and supplemental learning projects that parents fashion in cooperation with resource teachers based at the charter school; (f) rotating school governance teams periodically so parents, teachers, community members, and students have first-hand experience in administering the school; (g) scheduling classes for four days a week with the fifth day reserved for tutorials, parent conferences and workshops, and teacher planning; and (h) using student learning contracts that may include a community service component (CDE, 1993; CISI, 1992).

In some cases at least, becoming a charter school is a first step to experimentation later. In Western Placer Unified School

District, for example, the three charters are "placeholder" or "status quo" proposals designed to secure state board approval and a charter number (CISI, 1992; CDE, 1993). The petitions met all the legislation's requirements by describing existing programs and operations. Now that the state has said they can govern themselves and operate as charter schools, they will write their actual charters and seek local board approval.

Scheduled to phase in operation over the next two years, four of California's initial group of charter schools will begin classes in September 1993. It may turn out that some are not particularly innovative. Or it may be that already innovative schools will become even more so as charter schools.

Negotiated, Gradual Autonomy

A source of strain in the charter schools legislation derives from the very advantage it offers: namely, almost total freedom to invent or reinvent a public school. Although there seems to be an emerging consensus that schools have been overregulated, this legislation represents an extreme swing to autonomy. The blank-canvas approach to educational improvement worries some people we interviewed who have been actively involved with the development of charter petitions. First, it offers unprecedented opportunities for different categories of personnel within a school to redefine their status, and their perks, and more generally to address what they see as status inconsistencies. Second, as they were developing their petitions, some teachers were concerned that they did not know what they were getting themselves into. One teacher worried that the board will view the petition as a legal document, but the teachers writing it are not lawyers.

Not surprisingly, some of the charter petitioners with whom we spoke and some of the 10 schools that have been granted charter status have opted for a measured, step-by-step approach through which they intend to negotiate increasing autonomy from their local districts. For example, one group of petitioners we talked to plans to confine its initial efforts to curriculum, instruction, and assessment. Although eligible to directly receive per capita funds for the students enrolled, the school has declined them, at least initially. The petitioners, who are teachers in one of the district's most innovative schools, believe the time-consuming responsibility that comes with managing money will conflict with their teaching commitments. They don't want to "call the plumber." Instead they "want to be free to concentrate on what we do best, teaching" and let the district continue to do "what it does best." (Blatt, January 1993). With respect to the

currently designated charter schools, the Yucca Mesa Charter School is an example of this measured approach. It has decided that during the first year of its charter, its prior relationship with the Morongo Unified School District for support services (e.g., legal, accounting, business) will remain unchanged. However, the charter specifies that during years two through five the school may want to make changes in how and where it seeks these support services (Yucca Mesa, 1993).

The negotiated, gradual approach toward school autonomy underscores the downside of total freedom, namely the near total and time-consuming responsibility that goes with it. Yet, the question remains, can a charter school's governing body obtain the freedom it seeks over the instructional program without also taking responsibility for school administration and control of the school's budget? If and when the schools go for the money, as they may, we may see major structural and role changes.

The Desire To "Get Out From Under"

The immediate objective of some petitioners, especially those in large urban school districts, seems to be escaping district rules and regulations. However, complete independence is not possible under the established procedures. We spoke with some people who see these remaining controls as having a chilling effect on the spirit behind the charter schools movement. In fact, some petitioners are preparing to assume responsibility for every detail of their school, from building maintenance and vacations to class size to instruction. Consequently, they have spent considerable time working out specifics with regard to teacher rights and other matters. At first glance the state's initial charter schools do not appear to fit this more "radical" mold. In most cases, they will continue to contract with districts for budget development and oversight, payroll, purchasing, insurance, transportation, maintenance and operations, and/or food services.

Whether motivated by the prospect of innovation, gradual autonomy from their districts, or a desire to get out from under the district bureaucracy, any successful charter petition must be skillfully maneuvered among constraints and obstacles. The first requirement of the leaders involved is that they fully appreciate the nature of the obstacles so they are prepared to take full advantage of opportunities.

The considerable authority districts can exercise over a charter school should be a warning to any group planning on taking an adversarial position with a district; at the very least, it should go into the relationship fully informed. Perhaps skillful leaders with powerful backers, who fully appreciate the authority

and leverage available to local and state authorities, can succeed even if they adopt an adversarial approach. Still, local school boards are legally responsible for charter schools, and no one anticipates that county boards of education will overrule their local boards' decisions to deny charter petitions. Therefore, the advice of the California School Boards Association seems reasonable: The petitioner "should solicit input from district staff as to the viability of the proposal and its compliance with state requirements and additional district requirements. A close working relationship with the district may avoid extensive revisions and delays later in the process" (California School Boards Association, December 1992, p. 3).

Parents' Control And Responsibility To the School

An objective of the charter schools legislation is to provide parents and students with expanded opportunities and roles (Senate Committee on Education, June 11, 1992). Therefore, it requires proposers to describe how the governance structure of the school will "ensure parental involvement." Parents can be "involved" in a variety of ways, so the language opens the door to alternative interpretations.

At least one interpretation of parental involvement, the right to control, conflicts with another objective of the legislation, to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site. Such an issue unfolded in one school developing a petition where the role of parents has been in flux. Some teachers were concerned that "parents will run the school." We will only be able to gauge the nature of parents' power and involvement in decisionmaking at this school if and when it converts to charter school status and begins operation.

Another interpretation of parental involvement, parents' responsibility to the school to actively participate in their children's learning, is evident in 5 of the 10 schools designated as charter schools. Each requires parents to sign a contract of understanding with the school that lists parents' responsibilities. For example, Schnell Elementary School in the Placerville Union School District plans on requiring parents to sign a contract stating they will commit at least three hours per month to school service and will attend 75% of the regularly scheduled parent meetings. Students also will sign learning contracts with the school. Failure to meet the terms of the contracts could result in a student being transferred to another school (Schnell, 1993). Similarly, the Yucca Mesa Charter School will require parents to sign a contact that stipulates parents' responsibilities and

obligations in support of their child's education. If parents fail to uphold their obligations, their child can be dismissed from the school. Although the specific requirements will be worked out during the school's developmental year (i.e., 1993-94 school year), a parent may exercise any number of options, including volunteering a certain number of hours at the school or paying a stipend (not tuition) to the school to support operations (Yucca Mesa, 1993).

The Promise And Reality Of Parental Choice

California's charter schools legislation must be understood in the context of the education-voucher movement in California, which would provide public funds to parents choosing to send their child to a private school. After a rancorous campaign in spring 1992, an initiative to amend the state constitution by authorizing a statewide voucher program qualified for the June 1994 election ballot. Charter schools give parents still another option by providing alternatives to traditional public schools. They are schools of choice, but within public education, and they have the potential to demonstrate reforms and improvements that result when schools have the latitude, resources, and responsibility to govern themselves and educate students as they deem appropriate. When he signed California's charter schools law, Gov. Pete Wilson stated it would "allow Californians to design schools that are more responsive to the needs of the community, establish alternative teaching methods, give parents a choice, and most importantly, improve student learning" (Wilson, Sept. 21, 1992, p. 1). If charter schools attain these goals, they may well function as alternatives for parents discontent with public schools and, until the advent of charter schools, who had nowhere to turn but to private education (Olsen, Sept. 30, 1992a; Ginn, Fall 1992).

The hope that charter schools will satisfy parents looking for options hinges on whether the schools will be open and accessible to all parents. The legislation urges open access, but it also provides a consequential loophole. The law says that admission to a charter school shall not be determined according to the pupil's place of residence. However, the major exception is that existing public schools converting to charter status must give preference to pupils residing within the school's former attendance areas. What this means in practice is that spaces will be available to students outside of a school's attendance area *only* if some parents from the charter school choose to transfer their children elsewhere. In view of the degree of parental

involvement called for in the proposal process and in school governance, there may not be many vacancies at charter schools.

Other related issues concern the representation of at-risk students and the racial balance in charter schools. The charter schools legislation does not require petitioners to serve low-income students, or ethnic, racial, or language minorities; however, it emphasizes that charter schools must meet the learning needs of students identified as "academically low achieving" (SB 1448, Section 47601 [b]). In addition, school boards must give preference to petitions that provide services to these students during the boards' review process.

Schools that serve needy students are among the initial group of charter schools. For example, Schnell Elementary School, located in the foothills of the Sierras, serves a high concentration of children who receive public assistance (CDE, March 1993). Given this clear intent of the legislation, it will be important to track how many proposers intend to serve low-achieving students and to describe other special needs populations that may be targeted for charter school services.

In addition, a petition must describe the means by which the charter school will achieve a racial and ethnic balance among its pupils that is "reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted" (SB 1448, Section 47605 [b] [7]). Some schools seeking charter status have a large representation of one minority population, disproportionate to the district as a whole. Furthermore, the petitioners may want to keep it that way; that is, nearly all parents may choose to assert their right to keep their children in the charter school.

We found that most of the charters approved to date do little more than assert that the schools will reflect the racial and ethnic makeup of the broader community in which they are located. Specific provisions for ensuring this include posting a notice of the school's existence and availability to students and parents of all racial and ethnic backgrounds as well as open enrollment and voluntary attendance policies. One charter elementary school, however, said it intends to employ "aggressive efforts" to contact parent groups, bilingual and English as a second language (ESL) teachers, and high school ESL students who might have younger brothers and sisters (Sonoma Valley, Dec. 22, 1993). Overall, we anticipate districts will have to work out interpretations and procedures to deal with charter schools that remain racially or ethnically impacted.

Summary

Senator Hart views charter schools as "a highly valuable way to sharpen local community beliefs about how and what pupils should be taught and in what environment" (Hart, 1992c, p. 2). However, as he acknowledges, creating charter schools "won't be an easy process and it certainly won't be for everyone. There are many provisions of the bill which must be considered in greater detail in developing and reviewing charter petitions." Indeed, the number of schools authorized under the legislation was limited to 100 to provide time to review this innovative approach and then decide if the law needs to be amended before throwing the process wide open (Hart, 1992c). With this prospect in mind, our intent is to track the evolution of charter schools in California.

NEXT STEPS

In 1993, we plan to: (a) track the creation and survival rates among the charter schools; (b) describe the core structures of the surviving charter schools; and (c) gather information on the performance of charter schools against the accountability provisions in their charters, and the assessments of parents, teachers, and students.

As a next step, we will contact charter schools to obtain additional information about their petition/approval process and the elements of their charters. During the 1993-94 school year, we intend to visit a sample of charter schools as they are involved in planning or implementation activities. With respect to charter schools' performance, we will rely on measures of student performance or other types of objective evidence per the accountability provisions in the schools' respective charters. The second is subjective, based on the opinions of parents, teachers, administrators, and students.

In a report to be released in fall 1993, we will report on key features of charters granted by the end of this school year, including: (a) the actors who initiated the petitions and why, and other key actors who supported or actively opposed the application and the strategies and tactics involved; (b) charter schools' goals, clientele, rules for admission and expulsion, recruitment and staffing of teachers and other personnel, and salaries; (c) the posture of teacher organizations and administrative leadership toward the application, other innovative projects at the schools, schools' funding levels, staffing and staff turnover, teacher characteristics, and student body composition; (d) the broader community hosting charter schools; (e) provisions in charter schools for racial and ethnic balance, special education, students with limited English

proficiency, and students with low-academic achievement; (f) the governing body selection process, and matters pertaining to fiscal accountability, students' heath and safety, and insurance and liability; (g) the teacher selection process, teacher qualifications, salaries and benefits, and methods of assessing teacher performance; and (h) how and when expected student outcomes will be assessed, and how parents will be notified of their child's progress.

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